



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

BY FIRST CLASS MAIL

September 11, 2013

Alfred Senecal
31 Commerce Avenue
South Burlington, VT 05403

Re: Property located at 96 Commerce Street, Williston, Vermont located within Commerce Street Plume Superfund Site

Dear Mr. Senecal:

The U.S. Environmental Protection Agency ("EPA") has received information indicating that the Town of Williston (the "Town") has sold you, or a nominee limited liability company as directed by you, the property located at 96 Commerce Street (the "Property") through a tax sale.

As you should already be aware, the Property is located within the Commerce Street Plume Superfund Site (the "Site"). Please note that the remedial investigation of the nature and extent of Site contamination is still in process, and the remedy for the Site has not been analyzed and selected. Accordingly, there are many unknowns, including the ultimate method and amount of time necessary to remediate the Site.

EPA wishes to inform you that ownership of the Property carries with it particular responsibilities in order to avoid liability under Section 107(a) of CERCLA. More details may be found in the enclosed fact sheet regarding the Property and Site, which EPA requested the Town to provide to all auction bidders before the commencement of the auction.

Thank you for your cooperation. Please feel free to contact me with any at 617-918-1348. Please direct any legal questions to John Hultgren, Enforcement Counsel, at 617-918-1761.

Sincerely,

A handwritten signature in cursive script that reads "Karen Lumino".

Karen Lumino
Remedial Project Manager

Enclosure

ecc: John Hultgren EPA



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Notice Regarding: Tax Sale of Property owned by Beatrice P. Alling Trust, located at 96 Commerce Street, Williston, Vermont within Commerce Street Plume Superfund Site

The U.S. Environmental Protection Agency (EPA) provides notice that the property located at 96 Commerce Street, Williston Vermont, (the Property) which is subject to a tax sale scheduled for July 2, 2013, is located within the Commerce Street Superfund Site (the Site). EPA holds a lien on the Property pursuant to Section 107(l) of CERCLA, 42 U.S.C. § 9607(l). By statute, EPA's lien is for all costs and damages for which the Beatrice P. Alling Trust is liable under Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

Property and Site Background

The Site contains a plume of groundwater contamination that is located beneath portions of Commerce Street, Kirby Lane, South Brownell Avenue and Shunpike Road. The primary contaminants in the groundwater are trichloroethylene (TCE), tetrachloroethylene (PCE) and metals. Past operations and disposal practices by a manufacturer of electronic and microwave components on the Property have been linked to the Site contamination. EPA included the Site on the National Priorities List in 2005.

The remedial investigation into the nature and extent of Site contamination is in process, and the remedy for the Site has not been analyzed and selected. EPA anticipates selecting a remedy to address the contamination at the Site in 2014. At the present time, however, there are many unknowns, including the ultimate method and duration of time necessary to remediate the Site to levels that are protective of human health and the environment.

More information about the Site can be found on EPA's web site at <http://www.epa.gov/region1/superfund/sites/commercestreet>

Bona Fide Prospective Purchaser Protection and Responsibilities

The Small Business Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118, enacted in January 2002, amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to provide important liability limitations for landowners that qualify as bona fide prospective purchasers (BFPP). To qualify as a BFPP, a landowner must meet certain criteria, and to receive the liability protection under CERCLA, a BFPP must fulfill certain requirement both before and after purchase of a property. For instance, a BFPP must perform "all appropriate inquiries" (AAI) before

acquiring the Property in order to evaluate and understand environmental conditions at the Property. AAI must conform with EPA regulations at 40 CFR Part 312. EPA guidance on AAI may be found online at <http://www.epa.gov/brownfields/aai/index.htm>

A BFPP must also satisfy certain obligations, including but not limited to:

- compliance with land use restrictions and not impeding the effectiveness or integrity of institutional controls;
- taking "reasonable steps" with respect to hazardous substances affecting a landowner's property;
- providing cooperation, assistance and access;
- complying with information requests and administrative subpoenas; and
- providing legally required notices.

The Superfund statute provides that a BFPP is not liable as an owner/operator for response costs under Section 107(a) of CERCLA. However, the United States may have a "windfall lien" on a BFPP's property where an EPA response action increased the fair market value of the property. The amount sought as a windfall lien shall be the lesser of the unrecovered response costs or the increase in fair market value at the property attributable to the Superfund cleanup.

EPA suggests that you consider consulting with an attorney regarding these liability protection provisions and the windfall lien before you knowingly purchase a property located within a Superfund Site. More information about the BFPP exemption and windfall lien can be found on EPA's website at:

<http://www.epa.gov/compliance/cleanup/revitalization/bfpp.html>

Site-Specific Information for Possible Purchasers

Based on its current understanding of Site conditions, EPA's requirements for the Property include, but are not limited to the following:

- Groundwater on the Property cannot be withdrawn, used, or interfered with for any reason until EPA determines otherwise.
- The Property, including the existing building, may be used, but only for commercial/industrial uses, and not residential uses.
- The building and parking lot may not be expanded beyond their existing footprints. After the remedy is selected, EPA may be able to allow expansion of the building and parking lot. Until more information about the remedy is known, however, EPA needs to reserve undeveloped portions of the Property for the possible installation of groundwater wells or construction and installation of cleanup equipment or other technology.
- Before and after the remedy selection, EPA will need guaranteed access to the existing wells, access to install new wells, access to perform soil and/or groundwater sampling, and access to construct/implement the chosen remedy.

- Invasion of contaminated vapors into current and future buildings on the Property may be an issue, and the Property owner must cooperate and assist EPA in the study of the issue, and the possible installation of a vapor mitigation system, which the owner would have to operate. EPA is still investigating this issue.
- EPA will require any the owner to grant an environmental land use restriction on the Property that, at a minimum, prevents the use, withdrawal and/or interference with groundwater at the Property. The exact terms of such a restriction will not be known until EPA formally selects a remedy. This restriction would be a formal grant of a property interest that would be recorded at the registry of deeds.

For More Information

For more information about the status of the Site or the cleanup and other technical questions, contact Karen Lumino, EPA's Remedial Project Manager, at lumino.karen@epa.gov or 617-918-1348. Legal questions can be directed to John Hultgren, EPA's Enforcement Counsel, at hultgren.john@epa.gov or 617-918-1761.